

**SECTION 9. GENERAL OPERATING PERMITS FOR CLASS I AND II SOURCES**

- (A) If the Director determines that numerous similar sources are subject to identical regulatory requirements, the Director may issue a general permit following the procedures specified in these Regulations and Standards and the applicable procedures of Section 13 and Section 14 of these regulations and Standards. The Director shall not issue general permits for affected sources under the acid rain program.
- (B) If the Director, in his or her discretion, determines a general permit is appropriate, he or she shall initiate issuance of a general permit by publication of a notice which identifies the criteria for sources that qualify for the general permit. The notice shall be published in a newspaper of general circulation and shall announce the availability of a draft general permit for public review and comment for 30 days.
- (C) The public notice of the draft general permit shall contain:
  - (1) Name, address, and telephone number of the Department;
  - (2) A brief description of the activities and/or operations addressed by the permit;
  - (3) A statement of the criteria for sources that qualify for the permit;
  - (4) A brief description of the comment procedures and the time and place of any hearing if already scheduled, including the procedures to request a hearing (unless a hearing has already been scheduled) and other procedures by which the public may participate in the final general permit decision; and
  - (5) The name, address, and the telephone number of the person from who interested persons may obtain further information, and inspect and copy forms and related documents.
- (D) Any interested person shall have 30 days from issuance of the public notice within which to provide the Director with any written comments concerning the draft general permit and/or request a public hearing in writing. Such 30 days period may be extended by the Director.
- (E) If any information or public comment is received during the comment period which appears to raise substantial issues concerning the draft general permit, the Director may formulate a new draft general permit which supersedes the original draft general permit and may , if necessary republish the public notice.
- (F) Following the close of the public comment period and any public hearing, the Director shall issue a general permit. The Director shall include in the general permit all requirements applicable to other Class I or Class II operating permits, if the source category includes Class I sources, and all other requirements applicable to Class II permits, if the source category includes Class II sources.
- (G) Sources that qualify for a general permit must apply to the Department for coverage under the terms for the general permit by submitting an application in accordance with Section 7 of these Regulations and Standards that includes all information necessary to determine qualification for, and to assure compliance with, the general permit.
- (H) The Director shall notify a source of the final determination that the source qualifies and is covered under the general permit. If the Director denies coverage of the source under the general permit, the source may request an adjudicative hearing in accordance with the procedures established by the Lincoln City Council and the Lancaster County Board of Commissioners.
- (I) The Director may issue a general permit to an individual source without repeating the notice and comment procedures required under paragraphs (A) through (F) of this section. The Department shall maintain a list of all sources covered by general permits, which list shall be available for public review.
- (J) A source that obtains a general permit shall be subject to enforcement action for operation without a Class I or Class II operating permit if the source is later determined not to qualify for the terms and conditions of the general permit.

- (K) If some, but not all, of a source's operations, activities, and emissions are eligible for coverage under one or more general permits, the source may apply for and receive coverage under one or more general permits for the operations, activities, and emissions that are so eligible. If the source is required under Section 5 of these Regulations and Standards to obtain a permit addressing the remainder of its operations, activities, and emissions, it may apply for and receive a permit that addresses those items not covered by general permits. In such a case, the permit applicant must identify all operations, activities, and emissions that are subject to general permits. The Class I or Class II operating permit shall identify any general permits which have been issued.

Ref: Title 129, Chapter 9, Nebraska Department of Environmental Quality